

Message Text

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ACTION SS-14

INFO OCT-01 ISO-00 SCA-01 SNM-02 ARA-10 SP-02 NSC-05
NSCE-00 INR-05 SCS-01 H-01 L-01 CIAE-00 TRSE-00
DHA-02 SSO-00 PM-03 DODE-00 /048 W
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P 121850Z AUG 77
FM AMEMBASSY LA PAZ
TO SECSTATE WASHDC PRIORITY 6662

LIMITED OFFICIAL USE SECTION 1 OF 3 LA PAZ 6264

LIMDIS

FOLLOWING LA PAZ 6264 SENT ACTION BUENOS AIRES 09 AUG, REPEATED
FOR YOUR ACTION

FOR: DEPUTY SECRETARY CHRISTOPHER, UNDER SECRETARY COOPER,
ASSISTANT SECRETARY WATSON, AND S/NM MATHEA FALCO.

QUOTE

LIMDIS

FROM CHARGE FOR MS. PATRICIA DERIAN

EO 11652: NA
TAGS: SHUM, PINT, CARR, EMIN, BL
SUBJECT: COORDINATOR FOR HUMAN RIGHTS MS. PATRICIA DERIAN
MEETING WITH PRESIDENT BANZER

1. MS. DERIAN MET WITH PRESIDENT BANZER ON AUGUST 5
FOR DISCUSSION WHICH LASTED OVER AN HOUR. PRESENT ALSO
WERE CHARGE BEAL, FERNANDO RONDON (ARA) AND PRESIDENTIAL
ADVISOR XAVIER ARCE.

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2. MS. DERIAN OPENED HER REMARKS BY PRAISING THE EXCEPTIONAL
PROGRESS WHICH BOLIVIA HAS MADE TOWARDS ECONOMIC DEVELOPMENT
AS WELL AS PRESIDENT BANZER'S PLANS FOR CONSTITUTIONALIZATION
BY 1980. TURNING TO SUBJECT OF U.S. PRISONERS, SHE SAID SHE
HAD VISITED LA PAZ PRISONERS AUG 5 AND WOULD BE SEEING THOSE
IN COCHABAMBA AND SANTA CRUZ ON AUG 6. SHE DESCRIBED U.S.
GROWING PREOCCUPATION OVER PRISONERS, ESPECIALLY THOSE

WHO WERE ILL, OR WHO STILL REMAINED IN PRISON EVEN THOUGH THEY HAD BEEN IN JAIL FOR PERIODS LONGER THAN THEIR SENTENCES. UNCERTAINTY OVER THEIR FATE HAD CREATED MUCH TENSION AMONG PRISONERS, WHICH WOULD BE RELIEVED IF A NUMBER WOULD BE SOON RELEASED. MS. DERIAN SUGGESTED THAT THE PRESIDENT CONSIDER THE BOLIVIAN NATIONAL HOLIDAY -- AUGUST 6 -- AS A TIME WHEN AMNESTY MIGHT BE GRANTED TO THE SICK, AND THOSE WHO HAD SERVED TIME EQUAL TO THEIR SENTENCES.

3. PRESIDENT BANZER SAID THAT BOLIVIAN LEADERS AND THE BOLIVIAN PEOPLE WERE SOMEWHAT CONFUSED OVER THE U.S. ATTITUDE ON THE BOLIVIAN NARCOTICS LAW. IT WAS WELL KNOWN THAT THE USG HAD ENCOURAGED AND COLLABORATED ON THE NEW LAW. FURTHERMORE A SECOND LAW HAD BEEN PROMULGATED TOWARD WHICH THE USG HAS CONTRIBUTED. THIS WAS CONFUSING SINCE THE U.S. HELPS BOLIVIA BOTH ECONOMICALLY AND TECHNICALLY. THE U.S. WAS CONCERNED WITH ENFORCING LAWS AGAINST DRUG TRAFFIC AND AT THE SAME TIME WHEN U.S. CITIZENS ARE ARRESTED THE U.S. APPEARS TO TAKE A DIFFERENT ATTITUDE. BOLIVIA DOES NOT LIKE TO KEEP U.S. PRISONERS IN JAIL BUT THE LAW AND ITS APPLICATION DEPENDS ON THE JUDICIARY WHICH IN BOLIVIA HAS BEEN AND IS NOW SEPARATED FROM THE EXECUTIVE BRANCH. THE BOLIVIAN PRISON SYSTEM, BANZER WENT ON, IS NOT UP TO THAT OF THE U.S. WE WISH TO IMPROVE IT AND WE WILL DO SO BUT MEANWHILE THERE CAN BE NO EXCEPTIONS FOR U.S. OR CITIZENS OF ANY OTHER NATION. WE HAVE HEARD, BANZER SAID, OF AN AGREEMENT WHICH LIMITED OFFICIAL USE

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THE U.S. HAS MADE WITH MEXICO ALLOWING PRISONERS TO COMPLETE THEIR SENTENCES IN THE U.S. AND WE THINK THAT SUCH AN AGREEMENT WITH BOLIVIA SHOULD BE GIVEN CONSIDERATION. WE HAVE, THE PRESIDENT NOTED, MANY MORE PERSONS IN JAIL FOR DRUGS THAN FOR POLITICAL REASONS AND IT IS A SERIOUS PROBLEM.

4. WITH REGARD TO MS. DERIAN'S SUGGESTION THAT SOME PRISONERS MIGHT BE GIVEN AMNESTY, BANZER SAID THAT BOLIVIA HAS NO SUCH TRADITION OR PRACTICE WITH RESPECT TO THOSE IMPRISONED FOR COMMON CRIMES AND PARTICULARLY ON NARCOTICS CHARGES. BOLIVIA, HE SAID, HAS IN THE PAST AMNESTIED POLITICAL PRISONERS. IN ADDITION THERE HAS BEEN A PRACTICE, WITH RESPECT TO COMMON CRIMES, OF REDUCING THE DEATH PENALTY BUT THIS IS USUALLY DONE AT CHRISTMAS TIME. THE PRESIDENT HAD ANOTHER PROBLEM WITH RESPECT TO MS. DERIAN'S SUGGESTION. THERE WERE PRISONERS ON NARCOTICS CHARGES OF ALL NATIONALITIES. HE COULD NOT DISCRIMINATE IN FAVOR OF THOSE OF U.S. NATIONALITY AND DO NOTHING FOR THE COLUMBIANS, SWISS, BRAZILIANS AND OTHERS. WHILE HE COULD NOT GRANT AMNESTY MS. DERIAN SHOULD BE ASSURED THAT THE GOVERNMENT WOULD DO ALL IT COULD TO ACCELERATE THE CASES. AS SHE KNEW, MORE COURTS HAD BEEN ESTABLISHED AND A DECREE HAD BEEN APPROVED TO ELIMINATE

THE MANDATORY SUPREME COURT REVIEW OF CASES. THE EXECUTIVE
HE CONCLUDED MUST CARRY OUT THE LAW AND MAINTAIN RESPECT FOR
THE LAW.

5. MS. DERIAN UNDERSTOOD THE GOODWILL OF THE BOLIVIAN
GOVERNMENT IN ACCELERATING THE NARCOTICS CASES AND SAID THAT
THE U.S. DOES INDEED FEEL SOME RESPONSIBILITY FOR THE
NARCOTICS LAWS. HOWEVER, SHE SAID, THERE IS A NEW
ADMINISTRATION IN THE U.S. AND A GREAT CONCERN WITH DUE
PROCESS. WE ARE PARTICULARLY CONCERNED ABOUT CONSULAR
ACCESS TO U.S. CITIZENS ARRESTED IN ALL COUNTRIES SO THAT
THEY MAY BE ASSURED OF THEIR RIGHTS. SOME IN BOLIVIA WERE
ARRESTED WITHOUT DRUGS IN THEIR POSSESSION, SOME HAVE
SERVED THEIR TIME, SOME ARE SICK, AND A FEW HAVE BEEN
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MISTREATED AT THE TIME OF THEIR ARREST. IN ONE PARTICULAR
CASE, THAT OF WILLIAM MARRERO, BOTH BOLIVIAN AND AMERICAN
LAWYERS APPEAR TO AGREE THAT HE IS ILLEGALLY DETAINED AND
YET HE REMAINS IN PRISON. THE U.S. FEELS THAT UNDER THE
TERMS OF THE LAW THE PEOPLE MUST BE PROTECTED FROM SUCH
DELAYS OR IRREGULARITIES AND GOVERNMENTS MUST ASSURE DUE
PROCESS. THERE IS IN THE U.S. A GREAT DEAL OF PUBLIC ATTENTION
AND SYMPATHY WITH INDIVIDUALS WHO HAVE BEEN CAUGHT UP IN
SUCH SITUATIONS. UNQUOTE

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ACTION SS-14

INFO OCT-01 ISO-00 SCA-01 SNM-02 ARA-10 SP-02 NSC-05

NSCE-00 INR-05 SCS-01 H-01 L-01 CIAE-00 TRSE-00

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TO SECSTATE WASHDC PRIORITY 6663

LIMITED OFFICIAL USE SECTION 2 OF 3 LA PAZ 6264

LIMDIS

FOLLOWING LA PAZ 6264 SENT ACTION BUENOS AIRES 09 AUG, REPEATED
FOR YOUR ACTION

FOR: DEPUTY SECRETARY CHRISTOPHER, UNDER SECRETARY COOPER,
ASSISTANT SECRETARY WATSON, AND S/NM MATHEA FALCO

QUOTE

LIMDIS

FROM CHARGE FOR MS. PATRICIA DERIAN

6. WHEN MS. DERIAN RETURNS, SHE SAID, SHE WILL PROBABLY BE
CALLED BEFORE CONGRESS AND A GREAT DEAL OF PUBLIC ATTENTION
GIVEN TO HER REPORT ON HER DUTIES IN LATIN AMERICA. SHE
WILL, OF COURSE, WISH TO PUT MATTERS IN THEIR MOST FAVORABLE
LIGHT AND BOLIVIA, SHE NOTED, IS NOT A SERIOUS VIOLATOR
IN THE SAME WAY AS SOME OTHER COUNTRIES.

7. BANZER NOTED THAT IT WAS THE MINISTER OF INTERIOR WHO
WAS DIRECTLY IN CHARGE OF THIS AREA AND THAT MS. DERIAN, WHO
WAS GOING TO MEET WITH HIM, COULD DISCUSS SPECIAL CASES
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AT THAT TIME. HE, HOWEVER, WISHED TO ASSURE HER THAT
ALTHOUGH BOLIVIAN LAW WOULD BE UPHELD, HE HAD THE BEST OF
GOODWILL TOWARDS RESOLVING THESE PRISONER PROBLEMS.

8. MS. DERIAN OBSERVED THAT THE PRESENT BOLIVIAN GOVERN-
MENT HAD SUSPENDED CERTAIN ASPECTS OF THE CONSTITUTION.
NEVERTHELESS SHE WAS HEARTENED SINCE ELSEWHERE THERE WERE
TERRIBLE RESTRICTIONS AGAINST HUMAN RIGHTS GROUPS, WHEREAS
IN BOLIVIAN FREE DISCUSSION WITH SUCH GROUPS WAS POSSIBLE.
WHILE SHE WAS CONCERNED ABOUT RESTRICTIONS ON LABOR ACTIVITIES,
SHE COULD SEE A TREND TOWARDS FREER EXCHANGE OF IDEAS.

9. WITH REGARD TO THE U.S.-MEXICO TREATY, MS. DERIAN SAID
THE U.S. WOULD BE INTERESTED THAT U.S. AND BOLIVIAN OFFICIALS
SHOULD SIT DOWN TOGETHER AND CONSIDER HOW WE SHOULD GO
FORWARD BILATERALLY TO DEVELOP A U.S.-BOLIVIA DRAFT WHICH
WOULD CONFORM TO OUR RESPECTIVE CONSTITUTIONS, IDEAS AND
POSSIBLE RESERVATIONS.

10. PRESIDENT BANZER, WITH REGARD TO POLITICAL RIGHTS
GENERALLY, EMPHASIZED THAT THE CONSTITUTION WAS ACTUALLY
IN EFFECT, ALTHOUGH CERTAIN PORTIONS WERE SUSPENDED.
POLITICAL PARTIES, HE NOTED, EXIST AND THEIR
COMMITTEES COULD MEET EVEN THOUGH THERE WAS NO CAMPAIGN

ACTIVITY AT PRESENT. HE HOPED, BANZER SAID, THAT NORMAL PARTY ACTIVITIES WOULD SOON BE RE-ESTABLISHED AND THE SAME, HE SAID, FOR NORMAL LABOR UNION ACTIVITY. HE HOPED THAT U.S. AND BOLIVIAN OFFICIALS WOULD INDEED GO ON TO FURTHER DISCUSSIONS ON A POSSIBLE TREATY ON THE SERVING OF PRISON SENTENCES.

11. TURNING TO POLITICAL MATTERS AGAIN, BANZER STRESSED THAT THE DECISION TO CONSTITUTIONALIZE WAS NOT, RPT NOT, LIMITED OFFICIAL USE

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THE RESULTS OF INTERNATIONAL PRESSURE. WHEN THE ARMED FORCES TOOK FULL CHARGE OF THE GOVERNMENT IN 1974 THIS CHANGE WAS ALREADY FORESEEN. BOLIVIA, HE SAID, RESPECTS CONSTITUTIONAL AND HUMAN RIGHTS. NO INTERNATIONAL ORGANIZATION HAS POINTED BOLIVIA OUT AS A GROSS VIOLATOR OF HUMAN RIGHTS, AND WE ARE NOT, RPT NOT, ON ANY LIST OF SUCH COUNTRIES. THE MEASURES WE HAVE TAKEN CIRCUMSCRIBING LABOR AND POLITICAL ARE TEMPORARY, SOVEREIGN MEASURES NEEDED TO "DETOXIFY" THE POLITICAL SITUATION. BOLIVIA, THE PRESIDENT SAID, HAD OVER 30 POLITICAL PARTIES FOR A POPULATION OF 4.5 MILLION. WHAT SORT OF PROGRESS COULD THE U.S. MAKE IF IT HAD 1,600 POLITICAL PARTIES, THE CORRESPONDING NUMBER RELATIVE TO THE U.S. POPULATION?

12. IN REPLY TO MS. DERIAN'S QUESTION AS TO HOW PARTIES WOULD BE REACTIVATED, BANZER POINTED OUT HOW INEFFECTIVE AND NON-REPRESENTATIVE PARTIES HAD BEEN IN PAST. NEW RULES WOULD BE WORKED OUT FOR ESTABLISHING PARTIES DURING NEXT YEAR, BUT MANY OF OLD PARTIES WOULD DISAPPEAR, NEW FRONTS OR ALLIANCES WOULD BE FORMED AND ULTIMATE OBJECTIVE WAS FORMULATION OF THREE OR FOUR STRONG, VALID ORGANIZATIONS. BANZER NOTED THAT TEN YEARS AGO ILLITERACY WAS 68 PERCENT WHEREAS NOW, AS RESULT OF REGIME'S EFFORTS IN EDUCATION, IT IS 32 PERCENT, AND MOSTLY AMONG THOSE OVER 50 YEARS OF AGE. THIS WOULD AFFECT POLITICAL INSTITUTIONS.

13. ASKED ABOUT POLITICAL PRISONERS, BANZER SAID NUMBER WAS GOING DOWN, ESPECIALLY IN COMPARISON WITH THOSE IN NEARBY COUNTRIES. THOSE STILL IN JAIL WERE A DANGER TO SOCIETY, PEOPLE WHO KNEW ALL ABOUT BOMBS, KIDNAPPINGS AND EXTORTION. WAS IT REASONABLE, BANZER SAID, TO KEEP 50 IN JAIL SO THAT THE COUNTRY WOULD BE SAFE? MS. DERIAN INQUIRED WHETHER THERE WAS A STANDARD TRIAL OR PROCEDURE UNDERGONE BY THESE PEOPLE. BANZER REPLIED THAT SOME WERE TURNED OVER TO THE JUDICIARY FOR REGULAR TRIAL. IN OTHER CASES THERE WAS NO PROOF, ONLY ANTECEDENTS, AND LIMITED OFFICIAL USE

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INFORMATION OF SEVERAL KINDS, AND SUCH CASES DID NOT GO TO TRIAL. THERE WERE, HOWEVER, A VERY SMALL NUMBER AND WERE NOT EXPECTED TO REMAIN IN JAIL FOR LONG TIME, CERTAINLY NOT FOR YEARS. A NUMBER OF POLITICAL PRISONERS HAD BEEN "REHABILITATED" THROUGH EFFORTS OF THE CHURCH AND OF SOCIAL WORKERS.

14. MS. DERIAN ASKED WHETHER THERE WAS PHYSICAL OR PSYCHOLOGICAL MALTREATMENT OF PRISONERS, AS WE HAD REPORTS OF SUCH. BANZER SAID, EMPHATICALLY HE UNINFORMED OF DETAILS OF SUCH MISTREATMENT, IF INDEED THEY HAD OCCURRED. INTENTION OF GOB WAS TO BE HUMANITARIAN IN APPROACH AND RED CROSS AND CHURCH OFFICIALS, WITH WHOM HE BELIEVES U.S. EMBASSY

HAD BEEN IN CONTACT, WERE ABLE TO VISIT PRISONERS. BANZER SAID, HOWEVER, THAT FREQUENTLY SOME VIOLENCE DID OCCUR IN CAPTURING POLITICAL PRISONERS SINCE THEY RESISTED BUT UNDER THE CIRCUMSTANCES HE DID NOT SEE HOW THIS COULD BE AVOIDED.

15. MS. DERIAN EXPRESSED THE U.S.'S PARTICULAR CONCERN FOR LACK OF HUMANITARIAN CONSIDERATION AND MISTREATMENT ON FIRST CAPTURE OF POLITICAL PRISONERS. SOMETIMES THERE WERE ELECTRICAL SHOCKS AND OTHER MISTREATMENT IN THE COURSE OF EXTRACTING INFORMATION. THIS REPRESENTS A SERIOUS POLITICAL PROBLEM SINCE, IF GOVERNMENTS DO NOT ADOPT A DEMOCRATIC HUMANE POSTURE TOWARDS POLITICAL PRISONERS, THE WHOLE ETHICAL STRUCTURE TENDS TO CRUMBLE. HIGH OFFICIALS MAY BE REMOVED FROM DIRECT CONTACT WITH PRISONERS AND OFFICIALS AT LOWER LEVELS, CONCERNED WITH POWER AND STATUS, AND LACKING TRAINING, MAY CONDONE MISTREATMENT. MS. DERIAN SUGGESTED THE PRESIDENT MIGHT WANT TO CONSIDER SOME KIND OF SPECIAL INSTRUCTION FOR OFFICIALS AT LOWER LEVELS ON LIMITED OFFICIAL USE

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HOW TO MANAGE PROBLEMS WITH POLITICAL PRISONERS DISCRIMINATELY. THE PRESIDENT RESPONDED THAT WE BOLIVIANS ARE NO MARXISTS. WE HAVE A TRUE FEELING AND RESPECT FOR LIFE AND NO NEED TO RESORT TO MISTREATMENT. UNQUOTE

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LIMITED OFFICIAL USE SECTION 3 OF 3 LA PAZ 6264

LIMDIS

FOLLOWING LA PAZ 6264 SENT ACTION BUENOS AIRES 09 AUG, REPEATED
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FOR: DEPUTY SECRETARY CHRISTOPHER, UNDER SECRETARY COOPER,
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QUOTE

LIMDIS

FROM CHARGE FOR MS. PATRICIA DERIAN

16. BANZER WENT ON TO SAY THAT AS A BOLIVIAN WHO KNOWS
THE U.S. FROM HAVING LIVED THERE, HE WANTED MS. DERIAN
TO UNDERSTAND THAT HIS GOVERNMENT INDEED WAS PREOCCUPIED
WITH THIS PROBLEM. HE HOPED MRS. DERIAN UNDERSTOOD THAT
WITH RESPECT TO HER VISIT TO LATIN AMERICA, THAT HER
TRIP TO LATIN AMERICA MIGHT DISTURB SOME GOVERNMENTS SINCE
SHE WAS THE OFFICIAL OF A PARTICULAR GOVERNMENT AND NOT
A REPRESENTATIVE OF AN INTERNATIONAL ORGANIZATION. HE
PERSONALLY WISHED ALWAYS TO MAINTAIN GOOD RELATIONS WITH THE
U.S. EVEN IN BOLIVIA, HOWEVER, SOME SECTORS OF THE PUBLIC
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MIGHT NOT INTERPRET HER VISIT FAVORABLY SINCE THEY MIGHT
CONSIDER IT AS MIXING IN THE INTERNAL AFFAIRS OF ANOTHER
STATE.

17. MS. DERIAN NOTED THAT U.S. POLICY ON HUMAN RIGHTS AND
HER VISIT AROSE FROM A BROAD INTERPRETATION OF HUMAN AFFAIRS,
IN WHICH FRAMEWORK ANY GOVERNMENT COULD BE OF CONCERN.

WE ARE SIGNATORIES TO THE UN DECLARATION ON HUMAN RIGHTS AND IT WAS THE RESPONSIBILITY OF EACH COUNTRY TO OVERSEE RESPECT FOR HUMAN RIGHTS IN ITS BORDERS. THE U.S. CANNOT FORCE OR CAUSE OTHER COUNTRIES TO CHANGE LAWS, RELEASE PRISONERS, OR CHANGE ITS POLICIES BUT WE HAVE AN OBLIGATION TO MAKE U.S. PREOCCUPATION AND THOUGHTS FULLY KNOWN. THE U.S. PEOPLE WHO ARE ALSO TAXPAYERS KNOW THAT PART OF THEIR MONEY GOES OUT OF THE COUNTRY AND WISH TO BE ASSURED THAT THEIR CONTRIBUTION DOES NOT RESULT IN REPRESSION OR HURT OTHER PEOPLE. MY PRESENCE HERE, MS. DERIAN EXPLAINED, WAS FOR A BETTER UNDERSTANDING OF U.S. POLICY, TO HEAR BOLIVIAN IDEAS AND DISCUSS IDEAS ON HUMAN RIGHTS. THERE WAS NO INTENTION ON HER PART TO RETURN TO THE U.S. AND DENOUNCE BOLIVIA ON TELEVISION AS A TERRIBLE COUNTRY BUT TO HOPE FOR A USEFUL DISCUSSION WHICH MIGHT ENHANCE HUMAN RIGHTS. THE WHOLE MATTER WAS VERY COMPLEX AND WE WERE SENSITIVE TO THIS. WE WISH NO HARM TO ANY COUNTRY, TO ANY PRISONER, OR TO ANY BOLIVIAN.

18. BANZER OBSERVED THAT BOLIVIANS SHARED RESPECT FOR HUMAN RIGHTS BUT NOTED THAT THERE ARE OTHER WAYS OF LOOKING AT SUCH RIGHTS. FOR EXAMPLE, HE SAID, WE BELIEVE IT IS PART OF HUMAN RIGHTS TO RECEIVE FAIR PRICES FOR RAW MATERIALS. SOMETIMES WE DO NOT, HE SAID, RECEIVE SUCH FAIR PRICES AND THIS FORCES SOME OF OUR BOLIVIAN PEOPLE TO LIVE IN SUB-HUMAN LIMITED OFFICIAL USE

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CONDITIONS. HE SUGGESTED THAT IF MS. DERIAN COULD FIND ANOTHER OPPORTUNITY SHE SHOULD VISIT BOLIVIAN MINES AND CONSIDER THE HUMAN CONDITIONS THERE AS ANOTHER ASPECT OF RIGHTS. MS. DERIAN AGREED THIS WAS VERY IMPORTANT AND THERE FOLLOWED SOME DISCUSSION ON TIN PRODUCTION, THE GSA STRATEGIC RESERVES AND THE POTENTIAL EFFECT OF THEIR SALE UPON WORLD TIN PRICES. PRESIDENT BANZER STRESSED THAT PRICE INCREASES RARELY RESULTED IN SUCH RETURNS TO THE OWNERS THAT THEY WERE REFLECTED EQUITABLY IN INCREASES IN MINER'S WAGES.

19. IN CLOSING THE DISCUSSION MS. DERIAN THANKED THE PRESIDENT FOR HIS OPINION AND FRANK REMARKS. PRESIDENT BANZER OBSERVED HE WAS PLEASED THAT PRESIDENT CARTER HAD SELECTED A WOMAN FOR THE PRESENTATION OF HUMAN RIGHTS POLICY. HE SAID THIS PARTICULARLY INSPIRED TRUST AND CONFIDENCE AND HE WAS VERY PLEASED TO HAVE RECEIVED MS. DERIAN'S VISIT.

20. ABOVE MESSAGE CLEARED BY HUMAN RIGHTS COORDINATOR
DERIAN. BEAL UNQUOTE
BEAL

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Message Attributes

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